

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-0196V

Filed: July 13, 2015

Unpublished

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AVERY KRANZ and ALYSSA KRANZ, Parents of M.K., a minor,	*	
	*	
Petitioner,	*	Ruling on Entitlement; Concession;
v.	*	Diphtheria-Tetanus-acellular Pertussis
	*	("DTaP") Vaccine; Inactivated Polio
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	Vaccine ("IPV"); haemophilus influenzae
	*	type B ("Hib") vaccine; Pneumococcal
Respondent.	*	Vaccine ("PCV"); Rotavirus Vaccine;
	*	Abscess; Scarring, Injection Site;
	*	Special Processing Unit ("SPU")

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*Ronald Homer, Esq., Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.  
Glenn MacLeod, Esq., U.S. Department of Justice, Washington, DC for respondent.*

### RULING ON ENTITLEMENT<sup>1</sup>

**Vowell**, Chief Special Master:

On March 2, 2015, Avery Kranz and Alyssa Kranz, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the "Vaccine Act" or "Program"] on behalf of their minor child, M.K. Petitioners allege that M.K. suffered abscesses and scarring at the injection sites caused by the Diphtheria-Tetanus-acellular Pertussis ["DTaP"] vaccine, inactivated polio vaccine ["IPV"], haemophilus influenza type B ["Hib"] vaccine, pneumococcal vaccine ["PCV"], and rotavirus vaccine he received on March 21 and August 19, 2013. Petition at 1. Petitioners also allege that M.K.'s injuries lasted more than six months. *Id.*, ¶ 32. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

On July 10, 2015, respondent filed her Rule 4(c) report in which she concedes “that M.K. is entitled to receive compensation for sterile abscesses and resulting scars that formed on his right and left thighs following his March 21, 2013 and August 19, 2013 vaccinations.” Respondent’s Rule 4(c) Report at 2. Furthermore, respondent agrees that “M.K. met the statutory requirements by suffering the results of his injuries (i.e. scaring) for more than six months.” *Id.* at 5.

**In view of respondent’s concession and the evidence before me, I find that petitioner is entitled to compensation.**

s/Denise K. Vowell

Denise K. Vowell

Chief Special Master